



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barth

Application No.: 09/815,836

Filed: 03/22/2001

Group No.: 2161

Examiner: Unassigned

For: Method and Apparatus for Dynamic Information Connection Engine

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GROUP 3600

Commissioner for Patents - Mail Stop Petition

PO Box 1450

Alexandria, Virginia 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT

(37 C.F.R. § 1.102 AND M.P.E.P. §708.02)

Applicants hereby petition to make this application special because of actual infringement.

1. Accompanying material

Accompanying this petition is:

(a) Statement in Support of Petition to Make Special Because of Actual Infringement; and

(b) Declaration of Facts in Support of Petition to Make Special Because of Actual Infringement.

2. Fee (37 C.F.R. §1.17(h)) - \$130.00

☐ Attached is a ☐ check in the amount of \$130.00

☒ Authorization to hereby made to charge the amount of \$130.00.

☒ To Deposit Account 08-1641

☐ To Credit card as shown on the attached credit card information authorization Form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account 08-1641, referencing attorney's docket no. 39517-0702.

Date: 3/4/2004

Paul Davis (Reg. No. 29,294)

HELLER EHRMAN WHITE & McAULIFFE LLP

275 Middlefield Road

Menlo Park, CA 94025

Telephone: (650) 324-7041

Customer No. 25213

SV 2012374 v1

Attorney's Docket No. 39517-0702

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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL  
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

GROUP 3600

NOTE: "Subject to a requirement for a further showing as maybe necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging: (A) That there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record. Models or specimens of the infringement product or that of the application should not be submitted unless requested." M.P.E.P. § 708.02, 8th Ed.

I, Paul Davis, Reg. No. 29,294, of Heller Ehrman White & McAuliffe, 275 Middlefield Road, Menlo Park, CA 94025, (650) 324-7041, and the practitioner in this case and make the following statements:

1. I have made a rigid comparison of the alleged infringing method and apparatus referred to in the accompanying Declaration of Facts with the claims of this application.

2. In my opinion, claims 1, 11, 40, 60, 61 and 62 on file in this application are unquestionably infringed.

3. I, ☐ have made a search of ☒ have caused to be made a search of ☐ have a good knowledge of the pertinent prior art. All such material art is provided to the Examiner as

☒ having been filed

☐ being supplemented

☐ being filed

in a respective Information Disclosure Statement.

4. That I believe all the claims in this application

☒ as on file  
are allowable.

☐ as on file resulting from the attached amendment

Date: 3/4/2004

  
Paul Davis (Reg. No. 29,294)

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